

**MARGIE L. RICE**  
Mayor

**KERMIT MARSH**  
Mayor Pro Tem

**FRANK G. FRY**  
Council Member

**ANDY QUACH**  
Council Member

**TRI TA**  
Council Member



# **AGENDA**

## **CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING**

**SEPTEMBER 26, 2007**

**6:30 – Council Conference Room**

**7:00 p.m. – Council Chambers**

**8200 WESTMINSTER BOULEVARD  
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

## **AGENDA INFORMATION**

### **MEETINGS**

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

### **AGENDA INFORMATION**

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

### **PUBLIC COMMENTS**

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

**To address the City Council/Redevelopment Agency on any matter**, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

### **AGENDA ON THE INTERNET:**

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

### **TELEVISED MEETING SCHEDULE**

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

### **PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT**

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

# **AGENDA**

September 26, 2007

**6:30 P.M.**

## **CLOSED SESSION**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY  
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

### **CALL TO ORDER:**

### **ROLL CALL**

PRESENT:

ABSENT:

### **CLOSED SESSION:**

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 7201 Westminster Boulevard and 13942 Cherry Street; Agency Negotiator: Executive Director Ray Silver; Negotiating Party: Michelle Nguyen (owner); Under Negotiation: Price and Terms of Payment.

### **RECESS:**

# **AGENDA**

September 26, 2007

**7:00 P.M.**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

## **RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**ROLL CALL:** RICE, MARSH, FRY, QUACH, TA

PRESENT:

ABSENT:

**SALUTE TO FLAG:** City Attorney

**INVOCATION:**

## **REPORT OUT OF CLOSED SESSION:**

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

## **SPECIAL PRESENTATIONS:**

- A. Proclamation declaring October 7-13, 2007 as "Fire Prevention Week" in the City of Westminster, to be accepted by Battalion Chief Ron Roberts.
- B. Proclamation in support of the Unveiling of the United States Postal Service Stamp in honor of the "Mendez v. Westminster" case, to be accepted by Mimi Lozano Holtzman and Lupe Fisher, Member of LULAC, Council #3017.

## **REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

# AGENDA

September 26, 2007

## 1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

### ROUTINE MATTERS

#### 1.1 Proclamation declaring October, 2007 as “Lupus Awareness Month” in the City of Westminster.

RECOMMENDATION: Approve.

#### 1.2 Proclamation declaring October 5, 2007 as “California Arts Day” in the City of Westminster.

RECOMMENDATION: Approve.

#### 1.3 Consulting Services Agreement to Update the City’s Housing Element of the General Plan (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with The Planning Center in an amount not to exceed \$61,850, and authorize the City Manager to execute the agreement on behalf of the City.

#### 1.4 Award of Contract for Renewable Yearly Bid for Purchase of Asphalt (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Vulcan Materials Co. in the amount of \$25,000 to purchase asphalt for fiscal year 2007/08.

# AGENDA

September 26, 2007

## 1. CONSENT CALENDAR (Continued)

### 1.5 Award of Contract for Purchase of One (1)-Ton Truck with Service Body – Unit #3007 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Villa Ford in the amount of \$48,855 to purchase one (1) one-ton truck with service body, Unit #3007.

### 1.6 Award of Contract for Maintenance/Service Agreement for Concrete Grinding at Various Locations (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified bidder, Channel Island Sawing in the amount of \$86,000, and authorize the City Manager to execute the contract on behalf of the City.

### 1.7 Sigler Park Waterspray Playground (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids at this time.

## ORDINANCES (SECOND READING)/RESOLUTIONS

### 1.8 Resolution No. 4112 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing Applications for Funds for the Transportation Enhancement (TE) Program Under the 2005 Safe, Accountable, Flexible, Efficient, Transportation Act-Legacy for Users for Westminster Boulevard Master Planned Streetscape Improvements Project (Fiscal Years 2008/2009 and 2009/2010) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4112 which authorizes staff to file two (2) TE applications for the Westminster Boulevard Master Planned Streetscape Improvements Project.

## WARRANT REGISTER

### 1.9 (City Council/Redevelopment Agency) Warrant Register dated September 5 through 18, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

# AGENDA

September 26, 2007

## 1. CONSENT CALENDAR (Continued)

### INFORMATION AND REPORTS

- 1.10 Minutes of the Traffic Commission meetings held on **June 26, July 31, and August 28, 2007** (Marwan Youssef)

RECOMMENDATION: Receive and file.

- 1.11 Minutes of the Planning Commission meeting held **August 15, 2007** (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.12 Treasurer's Report – **August, 2007** (Paul Espinoza)

RECOMMENDATION: Receive and file.

- 1.13 Community Development Monthly Activity Report – **August 2007** (Don Anderson)

RECOMMENDATION: Receive and file.

### END OF CONSENT CALENDAR

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## 2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

# AGENDA

September 26, 2007

## 4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

**NOTE:** IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

### 4.1 **FY 2006-2007 Consolidated Annual Performance and Evaluation Report (CAPER)** (Kathy Johnston)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council hold a Public Hearing on and approve the FY 2006-2007 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) and the HOME Investments Partnerships Act Grant Program (HOME) and authorize the City Manager to transmit this report to the U.S. Department of Housing and Urban Development (HUD) by September 28, 2007.



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## 4. PUBLIC HEARINGS (Continued)

- 4.2 Review of Urgency Ordinance 2419 and Ordinance 2420, amending Section 5.08.040 of Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Urgency Ordinance 2419 entitled: "An Urgency Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 OF Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States," and waiver further reading; and
- 2) Introduce Ordinance 2420 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 OF Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States," and waiver further reading.

# AGENDA

September 26, 2007

## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports - None.

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 The City of Westminster Grading Panel's EMS Emergency Transportation Services Contract Award Recommendation (deferred from the September 12, 2007 meeting) (Andy Hall, Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the EMS Emergency Transportation Services Agreement with CARE Ambulance Services, Inc., in the amount of \$1,465,888.22 for the period of October 1, 2007 through June 30, 2010 and authorize the City Manager to execute the agreement on behalf of the City.

### 6.2 (Agency) Appropriation of Redevelopment Funds for Completion of Housing Strategy (Don Anderson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board Members:

- 1) Approve a budget carry over from the fiscal year 2006-07 adopted budget in the amount of \$55,000 from the Redevelopment Low/Moderate Housing Fund – Contractual Services to the fiscal year 2007-08 Redevelopment Low/Moderate Housing Fund – Contractual Services; and
- 2) Approve the purchase order with Rosenow Spevacek Group (RSG) in the amount of \$55,000 for completion of the Housing Strategy.

### 6.3 Amendment No. 8 to Contractual Services Agreement for Temporary Engineering Services (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$15,000 from Engineering Services Permanent Salaries and \$15,000.00 from Capital Improvement Project Accounts to Engineering Contractual Services; and
- 2) Approve Amendment No. 8 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$30,000, extending the contract to January 1, 2008, and authorize the City Manager to execute the amendment on behalf of the City.

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## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

### 6.4 Award of Contract for Purchase and Installation of One (1) On-site Sodium Hypochlorite Generation Unit for Well 75-A (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$57,313 from Undesignated/Unreserved Water Fund Balance to 2007-2008 Periodic Repair and Replacement CIP; and
- 2) Award a contract to Process Solutions, Inc., in the amount of \$72,400 and authorize the City Manager to execute the contract on behalf of the City.

## 7. WRITTEN COMMUNICATIONS (Public)

### 7.1 (City/Agency) Request for assistance for plan check and inspection fees for the Huntington Beach Union High School District Education Resource Center at Westminster Mall. (Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve assistance for this project in the amount not to exceed \$3,000 and authorize payment of the approved amount from the Agency's Development Funds.

## 8. LEGISLATIVE ITEMS –None.

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Parking Restrictions at 8361 Westminster Boulevard – T.C. 76-173 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4109 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the north side of Westminster Boulevard, west of Newland Street".

### 9.2 Parking Restrictions on the west side of Cedarwood Avenue, north of Hazard Avenue – T.C. 77-124 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4110 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the west side of Cedarwood Avenue, north of Hazard Avenue".

# AGENDA

September 26, 2007

## 9. COMMISSION AND COMMITTEE ITEMS (Continued)

### 9.3 **Parking Restrictions on the east side of Edwards Street, north of Kiowa Road – T.C. 90-106** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4111 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the east side of Edwards Street, north of Kiowa Road".

## 10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

*Marian Contreras*

Marian Contreras, City Clerk/Agency Secretary